

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gerald Thompson, :
: :
Plaintiff(s), : Case Number: 1:14cv935
vs. : :
Ohio Department of Rehabilitation, et al., : Judge Susan J. Dlott
: :
Defendant(s). : :

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on January 9, 2015 a Report and Recommendation (Doc. 11). Objections were not filed. The Magistrate Judge filed with this Court a Supplemental Report and Recommendation on February 27, 2015 (Doc. 21). Subsequently, the plaintiff filed objections to the Supplemental Report and Recommendation (Docs 22 and 25).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, with regard to the first Report and Recommendation, the following causes of actions alleged in the complaint, as amended (Docs. 1 and 5) are **DISMISSED** on the ground that plaintiff has failed to state a claim upon which relief may be granted by this Court: (1) plaintiff's claims against defendants ODRC, Gilford, Sears, Morgan and Ford; and (2) any

claims not specifically tied to any of the named defendants in this action, which stem from plaintiff's numerous general allegations complaining about a variety of matters, including the propriety of his criminal prosecution and conviction, the general conditions of his confinement, and treatment by prison staff and inmates over the course of the nearly fifteen-year period in which he has been incarcerated in various Ohio prisons.

It is further ORDERED that plaintiff may proceed with limited claims for damages against defendants Henderson and Russ based on Henderson's alleged use of excessive force against plaintiff on December 20, 2013 and alleged assault of plaintiff on another occasion in retaliation for plaintiff's exercising his First Amendment right to file grievances and (2) Russ's alleged violation of plaintiff's Eighth Amendment rights in an incident that occurred on September 22, 2013.

Plaintiff's motion for temporary restraining order or preliminary injunction is **DENIED**.

Regarding the supplemental Report and Recommendation, Plaintiff's supplemental complaints (Docs 15 and 17) are STRICKEN from the record and plaintiff is not permitted to supplement the complaint which has already been amended once as a matter of course, with both the pleadings that were filed on January 26 and February 17, 2015 as well as any further supplements to the complaint. To the extent that plaintiff has alleged the same claims that were previously asserted in the *pro se* complaint, as amended by the subsequent pleading filed on December 22, 2014, the Court has already addressed those claims in the January 9, 2015 Order and Report and Recommendation.

Plaintiff is not permitted to continue to add to his complaint, creating new causes of action against new defendants, after having once been allowed to do so and after the issuance of the January 9, 2015 Order and the Report and Recommendation and service of process on the

claims against defendants Henderson and Russ that have been allowed to proceed.

It is further ORDERED that plaintiff's second motion for temporary restraining order/preliminary injunction (Doc. 9) is DENIED. Plaintiff has failed to demonstrate such affirmative relief is warranted.

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court